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Forced marriage of the girl child

Report of the Secretary-General

Summary

Pursuant to resolution 51/3 of the Commission on the Status of Women, the present report gives an overview of the consideration of the issue of forced marriage at the international level, and the evolving approach for addressing it. It provides information on the legal and policy measures of States and the activities undertaken by entities of the United Nations system to address forced marriage of the girl child. The report concludes with recommendations for future action.

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I. Introduction and background

1. The Commission on the Status of Women, in its resolution 51/3, proposed a series of measures to be taken by States and other stakeholders to prevent forced marriage of the girl child and provide support to victims who had entered into such marriages. It requested the Secretary-General to report to it at its fifty-second session on the implementation of that resolution.

2. The right to marry only with one's free and full consent is reflected in the Universal Declaration of Human Rights and in a number of subsequent international human rights treaties.[1] Outcomes of global conferences and their reviews further elaborated on this right, with a main focus on the prevention of early marriage, and enactment of laws that ensure that marriage is entered into only with the free and full consent of the intending spouses, as well as generation of social support for the enforcement of laws on the minimum legal age for marriage, in particular through educational opportunities for girls.[2]

3. The African Charter on the Rights and Welfare of the Child (article 21 (2)) is the only human rights treaty, at the regional level, that expressly requires States parties to specify the minimum age of marriage to be 18 years, including in legislation. While international human rights treaties do not have a comparable provision, human rights treaty bodies have for many years been concerned about the question of the age of marriage and recommended that the minimum age for marriage should be 18 years for both men and women.[3] The treaty bodies have also been concerned about the question of full and free consent of the intending spouses, and have frequently dealt with early marriage and its consequences for the well-being of children, and especially the gender-specific implications for girls.

4. In recent years, the issue of forced marriage, that is to say, the case where the free and full consent of at least one of the parties to a marriage is lacking, has gained the attention of the international community. Forced marriage is a manifestation of discrimination against women and a violation of their rights.

5. Women of all ages may become victims of forced marriage. Where marriage occurs under age 18, free and full consent of the intending spouses may be especially lacking. Girls who are married at a young age have no say in decisions concerning whom they wish to marry, when they wish to marry, or whether they wish to marry at all. Some may accept the marriage without protest because they may be too young to make an informed decision about the spouse, or about marriage

[1] See, in particular, article 16 (2) of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (United Nations, *Treaty Series*, vol. 521, No. 7525); article 10 (1) of the International Covenant on Economic, Social and Cultural Rights (see General Assembly resolution 2200 A (XXI), annex); and article 16 (1) of the Convention on the Elimination of All Forms of Discrimination against Women (United Nations, *Treaty Series*, vol. 1249, No. 20378).

[2] See, for example, the Beijing Declaration (*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995*) (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I); and Platform for Action (ibid., annex II), paras. 274 (e) and 275 (b).

[3] See general recommendation No. 21 (1994) of the Committee on the Elimination of Discrimination against Women (*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38* (A/49/38), chap. I, sect. A), para. 16. See, also, concluding observations of the Committee on the Rights of the Child.

itself, and may not fully understand the implications. Girls may have given what passes for "consent" in the eyes of the law, but in reality consent to the union may have been given by others on their behalf.[4]

6. Where forced marriage involves the girl child, a range of her rights are affected, including the right to education, the right to life and physical integrity, and the right not to be held in servitude or perform forced or compulsory labour. Forced marriage of the girl child is often accompanied by early childbearing which may entail complications during pregnancy and delivery and a great risk of maternal mortality and morbidity. It can also have immediate and longer-term detrimental effects on a girl's emotional, physical and psychological welfare, can increase the likelihood of HIV infection and can be a gateway to a lifetime of domestic and sexual subservience.[5]

7. Such marriages continue to be entered into in many countries, and within different contexts. They may reflect an attempt to protect and guard a culture, or a desire to protect girls from unwanted sexual advances.[6] Forced marriage of the girl child may take place within the context of a marriage arranged by the family. A family may resort to coercive methods such as abduction, imprisonment, rape or confinement.[7] It may also resort to emotional blackmail, physical duress, violence or the threat of violence, psychological forms of pressure tactics and confiscation of official papers.[8] A girl's refusal of an arranged marriage may even be seen as a crime against the family's honour.[9] Such marriages may serve as a family-building strategy or as an economic arrangement.[10] Forced marriage may also occur within the context of trafficking in persons, where it may be used as a method of recruitment, and may be a result of trafficking.[11]

8. Forced marriage has also been documented in the context of armed conflict. Girls and young women who had been abducted or recruited by warring groups experienced sexual violence, including forced marriage, when they were given to commanders and combatants and became "bush wives".[12] In May 2004, for the first time in the history of international law, the Special Court for Sierra Leone decided

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[4] United Nations Children's Fund, "Early marriage: child spouses", *Innocenti Digest*, No. 7 (March 2001), p. 2.

[5] United Nations Children's Fund, *The State of the World's Children, 2006: Excluded and Invisible* (New York, UNICEF, 2006), pp. 45-46.

[6] *Innocenti Digest*, No. 7 (March 2001), pp. 2 and 16.

[7] See report of the Secretary-General on the in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1), para. 122, also available from http://www.un.org/womenwatch/daw/vaw/reports.htm#study.

[8] Council of Europe, "Report of the Committee on Equal Opportunities for Women and Men: Forced marriages and child marriages" (document 10590 of 20 June 2005), para. 17.

[9] Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children (A/HRC/4/23 and Corr.1), para. 41.

[10] Paulo Sérgio Pinheiro, *World Report on Violence against Children* (Geneva, United Nations Secretary-General's Study on Violence against Children, 2006), p. 57.

[11] See A/HRC/4/23 and Corr.1, para. 31.

[12] See *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (2004), vol. 3 (b), chap. III, entitled "Women and the armed conflict", para. 184. See also United Nations Children's Fund, *The State of the World's Children: Childhood Under Threat* (New York, UNICEF, 2004), pp. 42 and 49.

that forced marriage would be prosecuted as a crime against humanity under international law.[13]

9. It is difficult to gauge how many girls and young women are subjected to forced marriage owing to the sometimes criminal and hidden nature of forced marriage, combined with the fact that it often takes place in closed families, groups or communities where marriages of girl children are often unregistered.[14] It is estimated that 82 million girls marry before they reach the age of 18, with a significant number of these marrying at younger ages, frequently coercively (see the report of the independent expert for the United Nations study on violence against children (A/61/299), para. 45). Forced marriage has been highlighted as an under-documented form of violence against women.[15]

10. The issue of forced marriage was first introduced into the agenda of the General Assembly in 1995, in the context of trafficking (see Assembly resolution 50/167), and was subsequently taken up from the same perspective by the Commission on the Status of Women in 1997 (resolution 41/5) and the Commission on Human Rights in 1999 and subsequent years (resolutions 1999/40, 2000/44, 2001/48, 2002/51 and 2004/45).[16] In these contexts, Governments focused on the need to address the root factors that encouraged trafficking in women and girls, including for the purpose of forced marriage.

11. Since 2000, forced marriage has been considered a form of violence against women and dealt with in the framework of the elimination of violence against women.[17] The Commission on the Status of Women addressed the need to reach girls in forced marriages with educational and life-skills programmes (agreed conclusions of 2007 on the elimination of all forms of discrimination and violence against the girl child) (see E/2007/27, chap. I, sect. A).

12. Three Special Rapporteurs of the Commission on Human Rights, and later of the Human Rights Council, have devoted attention to the question of forced marriage, including of the girl child. The Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, concluded that forced marriage was in itself a form of violence against women that further entrenched gender-based violence. Referring to the difference between an arranged and a forced marriage, the Special Rapporteur found that in some cases, this difference was tenuous, as marriage was sometimes imposed not by explicit

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[13] See press release of 7 May 2004 of the Special Court for Sierra Leone (Press and Public Affairs Office (Freetown)) entitled "Trial Chamber approves new count of forced marriage", available from http://www.sc-sl.org/Press/pressrelease-050704.html, (accessed 29 November 2007).

[14] See A/HRC/4/23 and Corr.1, para. 29.

[15] See A/61/122/Add.1 and Corr.1, para. 222.

[16] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A; ibid., *2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A; ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A; ibid., *2002, Supplement No. 3* and corrigendum (E/2002/23 and Corr.1), chap. II, sect. A; and ibid., *2004, Supplement No. 3* and corrigendum (E/3004/23 and Corr.1).

[17] Commission on Human Rights resolutions 2000/45, 2001/49, 2003/45, 2004/46 and 2005/41 (see *Official Records of the Economic and Social Council, 2000, Supplement No. 3,* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A; ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A; ibid., *2003, Supplement No. 3* (E/2003/23 and Corr.1); ibid, *2004, Supplement No. 3* and corrigendum (E/2004/23 and Corr.1), chap. II, sect. A; ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

force but by relentless pressure and/or manipulation, often by telling a girl or young woman that her refusal would, for example, harm her family's standing in the community.[18] The Special Rapporteur on violence against women, its causes and consequences, noted cases in which young women living outside their home countries or regions had been sent home under a deceptive pretext and with the intent of forcing them into marriage. In her view, such cases should be regarded as human trafficking.[19] According to the Special Rapporteur on traditional practices affecting the health of women and the girl child, the practice of forced marriage deserved increased scrutiny by the international community, as this practice would not be eradicated until women were considered full and equal participants in the social, economic, cultural and political life of their communities. The Special Rapporteur drew attention to a trend in communities of second-generation immigrants whereby girls and young women were increasingly coerced into marrying against their will.[20] The Working Group on Contemporary Forms of Slavery (E/CN.6/2008/4 of the Subcommission on the Promotion and Protection of Human Rights of the Human Rights Council) recognized forced marriage as a form of slavery related to, or generated by, gender-based discrimination.[21]

13. Human rights treaty bodies have raised the issue of forced marriage of the girl child, especially in their constructive dialogues with States parties and in their resulting concluding observations/comments.

14. The Human Rights Committee placed emphasis on men's and women's right to enter into marriage only with their free and full consent, and underscored the obligation of the State to protect the enjoyment of this right on an equal basis.[22] Specifically, treaty bodies have addressed the prevalence of forced marriage as a manifestation of discrimination against women, including girls and young women, and an obstacle to the girl child's full enjoyment of the rights enshrined in the Convention on the Rights of the Child (United Nations, *Treaty Series*, vol. 1577, No. 27531). They have also addressed it as a manifestation of harmful traditional practices. Several treaty bodies made it clear that forced marriage was perpetuated by entrenched adverse customs and traditional attitudes that discriminated against women or placed women in subordinate roles to men, or by women's stereotyped roles in society.[23]

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[18] See A/HRC/4/23, para. 26.

[19] See report of the Special Rapporteur of the Human Rights Council on violence against women, its causes and consequences (A/HRC/4/34), para. 56.

[20] See ninth report and final report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2005/36), paras. 34, 82 and 85.

[21] See report of the Working Group on Contemporary Forms of Slavery on its twenty-eighth session (E/CN.4/Sub.2/2003/31).

[22] See general comment No. 28 of the Human Rights Committee concerning article 3 (equality of rights between men and women) of the International Covenant on Civil and Political Rights (*Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 40* (A/55/40 (vol. I)), annex VI, sect. B), para. 23.

[23] See general recommendation No. 19 (1992) on violence against women of the Committee on the Elimination of Discrimination against Women (*Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38* (A/47/38), chap. I), para. 11. See also concluding observation of the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.

15. Treaty bodies have also addressed some of the specific consequences of forced marriage, which may include the early termination of girls' schooling (Committee on the Elimination of Discrimination against Women), or increased vulnerability of girls to HIV infection (Committee on the Rights of the Child).[24]

16. In response to the practice of forced marriage of the girl child, human rights treaty bodies have requested States to raise the legal age for marriage. According to the Committee on the Elimination of Discrimination against Women, the minimum age for marriage should be 18 years for both men and women because the important responsibilities of marriage required maturity and capacity to act.[25] The Human Rights Committee emphasized that age for marriage should be such as to enable each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law.[26] The Committee on Economic, Social and Cultural Rights has recommended that States parties raise and equalize the minimum age for marriage for boys and girls, as well as the age of sexual consent.

17. Regional bodies have also taken up the issue of forced marriage. The Parliamentary Assembly of the Council of Europe focused on forced marriage that arose chiefly in migrant communities and that primarily affected young women and girls.[27]

II. Measures taken by States

18. As at 1 October 2007, 32 States[28] had responded to the Secretary-General's request for information on the implementation of Commission on the Status of Women resolution 51/3.

A. Legislative measures and their implementation including enforcement

1. Minimum legal age for consent and minimum age for marriage

19. The protection of girls from forced marriage requires that States have in place a legal framework that is consistent with their international obligations pertaining to the protection and promotion of women's and girls' human rights, including specific measures of prevention of all forms of violence against women, and legislation on a minimum age for marriage that is consistent with the guidance provided by human

[24] See General comment No. 3 (2003) on HIV/AIDS and the rights of the child of the Committee on the Rights of the Child (*Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 41* (A/59/41), annex IX), para. 9.

[25] See general recommendation No. 21 (1994) of the Committee on the Elimination of Discrimination against Women, para. 36.

[26] See general comment No. 19 (1990) of the Human Rights Committee (*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 40* (A/45/40 (vol. I)), annex VI, Sect. B), para. 4; see also general comment No. 28 (2000), para. 23.

[27] Resolution 1468 of 5 October 2005.

[28] Bahrain, Belgium, Brazil, Brunei Darussalam, Canada, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Finland, Germany, Hungary, Ireland, Luxembourg, Mauritania, Montenegro, Netherlands, Nicaragua, Norway, Oman, Philippines, Poland, Portugal, Qatar, Russian Federation, Suriname, Sweden, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and Yemen.

rights treaty bodies. In many States that provided information for the present report (including Colombia, Croatia, Cuba, the Czech Republic, Finland, Germany, Hungary, Ireland, Mauritania, Montenegro, the Netherlands, Nicaragua, Norway, Oman, the Philippines, Poland, Portugal, the Russian Federation, Sweden and the United Arab Emirates), legislation is in place that sets the minimum age for marriage at 18 years.

20. In Brazil and Qatar, the minimum age for marriage is 16, while in Turkey it is 17. In Suriname and Bahrain, the legal age for marriage is different for males and females: the legal age for marriage for a girl is 15 in both countries, whereas for boys it is 17 in Suriname and 18 in Bahrain. Yemeni law does not yet provide a minimum age for marriage, but the Council of Ministers has referred a provision that would set the minimum age at 18 years to the Chamber of Deputies for adoption. The Higher Council for Women of Bahrain has recommended that the minimum age for marriage for girls be raised.

21. In a number of States, the law establishes that exceptions to the minimum age for marriage may be granted. In several States (including Croatia, Germany, Hungary, Montenegro, the Netherlands, Portugal and the Russian Federation), no exceptions to marry may be granted to anyone younger than 16 years of age. On the other hand, in Nicaragua and Costa Rica, girls may marry at age 15 with parental authorization, while in Cuba, girls may marry at age 14 and boys at age 16, with parental authorization. In Colombia, minors older than 14 may marry with the written permission of the parents or legal guardian. A court in Germany may grant an exception on request if one of the intending spouses is of full age and the other has reached age 16.

22. In several countries (including Croatia, Ireland and Hungary), the intending spouses must submit the request for an exception to the relevant authority to enter into marriage under the legal minimum age at marriage. In Brazil, authorization of a parent or a legal guardian is required for requesting an exception. However, there are also countries where the legal guardian of the intending spouses may seek permission for those under age 18 (Mauritania).

23. Exceptions to marry below the minimum age may be granted by different authorities. While in a number of countries, including Croatia, the Czech Republic, Germany, Ireland, Montenegro and the Netherlands, the responsibility for granting an exception is vested in the courts, in other countries exceptions may be granted by the Ministry of Justice (Finland and also the Netherlands); the guardianship authority (Hungary); a *qadi*, or judge of a religious court (the United Arab Emirates); a judge (Oman and Turkey); or the County Administrative Board (Sweden).

24. Exceptions may be granted for different reasons. The best interests of the minor and the establishment of the free will of the intending spouses are central criteria for considering requests for exceptions in several countries, including Hungary. While having reached puberty may be considered a criterion in the United Arab Emirates, general maturity may be considered to be such in Colombia. While pregnancy is not a sufficient reason for granting permission to minors to marry in Hungary, pregnancy and the birth of a child may be considered valid reasons in the Netherlands and the Russian Federation. In the Czech Republic and Ireland, the intending parties are responsible for showing that there are serious reasons for the marriage to take place. A hearing with the intending spouses, a parent or guardian

and a social welfare centre serves to determine the validity of the reasons for an exception in Croatia.

25. In addition to legal provisions on the age at marriage, those on the age of sexual consent can contribute to the protection of girls from forced marriage. In two States that provided such information for the present report, namely, Brunei Darussalam and the Czech Republic, sexual intercourse with a girl under age 16 is considered a criminal act, whereas in Croatia, sexual intercourse with a person under age 14 is a criminal offence.

2. Laws to ensure that marriage is entered into only with the free and full consent of the intending spouses

26. In addition to legislation establishing a minimum age for marriage, laws requiring the free and full consent of the intending spouses are necessary to protect the girl child against forced marriage. Such protection is enhanced by consistent implementation and monitoring of relevant national legislation and its enforcement, and of effective procedures governing the conclusion of marriage.

27. Marriages concluded without the free will of the parties involved are deemed null and void in a number of States, including Belgium, Canada, Colombia, the Czech Republic, Germany, Hungary, Portugal, the Russian Federation and the United Arab Emirates. Family laws in Croatia and Montenegro require that a marriage be entered into only with the free and full consent of a man and a woman. According to the Personal Status Code of Oman, a marriage may not be contracted without a woman's consent, that is to say, without an offer from a man and an acceptance by the woman. Personal Status Act, No. 28 of 2005 of the United Arab Emirates provided that marriage should be contracted between a man and the guardian of a woman, though the woman must also give her consent and sign the marriage contract. The acceptance and consent of both parties to a marriage must be given before a judge in Yemen, who may interview a girl with no intermediary present in order to establish her consent to the marriage. A marriage is contracted by means of a free and mutual public declaration by a man and a woman in the Czech Republic.

28. Several States have taken steps to strengthen their legislative framework to ensure that marriage is entered into only with the free and full consent of the intending spouses. With the intent to prevent forced marriage, a new law in Germany makes reunification of both Germans and foreigners with their spouses dependent on mastery of basic German language skills. The language requirement was deemed necessary to ensure that victims of forced marriage would have the means to escape coercive situations. National consultations were held in 2005 by the Forced Marriage Unit of the United Kingdom of Great Britain and Northern Ireland (a joint Unit of the Home Office and the Foreign and Commonwealth Office) on whether to make the forcing of someone into marriage a specific criminal offence. Because many respondents feared that such specific legislation could isolate victims and drive the problem further underground, the Government decided not to introduce it. Instead, the Forced Marriage (Civil Protection) Bill received Royal Assent in July 2007.

29. Forced marriage has been criminalized in several States, including Germany, Norway and Turkey. Section 222 of Norway's Penal Code was amended in 2003 to prohibit forced marriage; the offence carried a penalty of imprisonment for up to six

years. Perpetrators of forced marriage in Turkey may be sentenced to fines and up to seven years in prison; and in Germany, they may serve from six months to five years.

30. While a number of States, including Brazil, Canada, Finland, Hungary and Sweden, lacked specific legislation on forced marriage, such situations may be subsumed under other criminal offences. For example in Hungary, criminal offences such as coercion through violence or the threat of force may also provide sufficient grounds to prosecute forced marriage, while in Brazil, Canada and Finland, laws pertaining to various forms of violence against women and forced confinement, and laws prohibiting trafficking in persons may apply. In March 2006, the Belgian Council of Ministers approved a draft bill to criminalize forced marriage, while Luxembourg is considering such a measure. In February 2006, Sweden appointed a commission to analyse whether existing penal legislation concerning such crimes as unlawful coercion offered sufficient protection against forced marriage and to propose any necessary amendments.

3. Registration of birth and marriage

31. Birth registration serves as a basis for ascertaining the age of the intending spouses at the time of marriage. When registration systems are permanent, compulsory and universal, they facilitate monitoring of the age of marriage, and support the effective implementation of laws that aim to protect the girl child from forced marriage, and in particular the effective enforcement of laws on the minimum age at marriage.

32. Responsibility for registering births is commonly part of States' civil registration systems. However, such systems are not yet in place in all countries, or may be limited primarily to urban areas.[29] During the period 1995-2003, 153 countries reported data to the international statistical system concerning births at least once, while 111 countries reported data on births specifically from a civil registration system. Eighty-five countries reported data on first marriages, by age of bride and groom, at least once during the same period.[30]

33. States have in place different procedures for registering births and marriages. Several States, including Croatia, the Czech Republic, Germany and Portugal, required an authorized registrar to verify the ages of the intending spouses based on birth certificates and to receive declarations of consent to marry in person. In Portugal and the Russian Federation, persons entering into marriage submit identification documents specifying date of birth to civil registry offices and sign a joint declaration confirming their mutual and voluntary consent.

34. Both parties must be present to register a marriage in Hungary: no legal representative or agent acting on behalf of an individual is permitted to register on his or her behalf. According to the Civil Registration Act 2004 of Ireland, the parties to a marriage are required to make a "declaration of no impediment". Registrars in Germany were duty-bound to refuse to assist in the conclusion of a marriage where there was evidence that one of the intending spouses might have been forced into marriage.

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[29] *The World's Women 2005: Progress in Statistics* (United Nations publication, Sales No. E.05.XVII.7), p. 16.

[30] Ibid., p. 18, table 1.A.

35. States continued to face challenges in registering all births and marriages. To ensure enforcement of the Code of Civil Status, which required the registration of marriage, Mauritania imposed a fine on those who failed to register their marriage. The Philippines launched the Unregistered Child Project, now in its second phase, to increase the registration of births. It also implemented a programme specifically targeting registration of births among the indigenous population. Registering marriages in Yemen remained especially difficult in rural districts, where facilities for registration were lacking. As a remedy, health facilities started to issue birth certificates so as to facilitate the registration of births.

B. Development and implementation of strategies aimed at prevention of forced marriage

1. Action plans, campaigns and educational programmes

36. As part of their strategies to prevent forced marriage of the girl child, some States have put in place local and national action plans to complement legal frameworks and achieve greater overall impact. Plans of action to combat forced marriage have been adopted in a number of cities in Germany, including Berlin and Hamburg. These plans included the dissemination of information and awareness-raising efforts, as well as measures aimed at assisting, and providing protection to, victims. With the overarching aim of addressing forced marriage by preventing its occurrence and helping victims, Norway launched its first Action Plan against Forced Marriage in 1998. The Plan has since been renewed. Resources for its implementation have been increased and eight different ministries participated in its implementation.

37. Awareness-raising campaigns and education programmes, some of which utilized the media and were conducted in collaboration with civil society groups, have resulted in enhanced capacity to address the problem of forced marriage. They have also resulted in greater awareness of the issue of forced marriage, the legal minimum age for marriage, and the importance of registering births and marriages.

38. The efforts of women's rights organizations in Germany have resulted in a high level of awareness of the topic of forced marriage among the general public. Awareness-raising campaigns in Mauritania have succeeded in increasing the registration of births and marriages. Similar campaigns are now being conducted to publicize the revised Personal Status Code of 2001 which raised the minimum age for marriage to 18 years. The United Kingdom's Forced Marriage Unit functioned as a "one-stop shop" for developing policy on forced marriage, disseminating information to those at risk, coordinating outreach projects, and providing assistance to British victims and potential victims of forced marriage. Since its establishment, the Unit has undertaken outreach and awareness-raising work in key communities, and implemented a national publicity campaign in 2006 involving radio and television, as well as the national and local press. With a view to ensuring support for setting a legal minimum age for marriage, a national awareness-raising campaign was conducted in Yemen. The campaign promoted the importance of such a law and highlighted the risks associated with early and forced marriage.

2. Training and capacity-building efforts

39. Capacity-building of government officials, especially social service providers, was an important element in strategies to enhance prevention of forced marriage, as well as to ensure adequate support for victims of such marriages. States published guides, held training seminars and offered courses of study with the aim of improving the responses to cases of forced marriages.

40. A guide for migrant workers, published by the Ministry of Labour in Brazil, included information on forced marriage. A guide for social and health services employees, published by Finland's Ministry of Social Affairs and Health together with the Ministry of Employment and the non-governmental organization Monikanaiset, addressed the needs of female immigrant victims of violence, including the provision of care and support for victims of forced marriage. Building on its experience of handling approximately 250-300 cases of forced marriage per year, the Forced Marriage Unit of the United Kingdom produced guidelines on tackling forced marriage for police, social service, health and education professionals. The Unit planned to release similar guidelines for legal professionals.

41. Specialized seminars on the prevention of forced marriages were held at the All Russian Advanced Training Institute and the Ministry of Internal Affairs. The issue of forced marriage was also part of the family and criminal law curricula for law enforcement agents. The Ministry of Justice in the United Arab Emirates provided instruction to lawyers and judges on the Federal Personal Status Act which raised the minimum age of marriage to 18 years and included the requirement of the consent of the bride.

42. Capacity-building activities were also carried out in support of the registration of births and marriages in Mauritania and Yemen. While Yemen provided training for the judiciary to sensitize judges to the dangers of early and forced marriage, there remained an ongoing need for additional training on the issue of forced marriage and gender equality in general.

3. General preventive strategies and actions

43. States worked in a variety of ways to promote an environment conducive to ensuring the rights of girls. By addressing the unequal status of women and girls and the conditions and practices that threatened their health and welfare, States aimed to transform the very conditions that could give rise to forced marriage. The impact of targeted measures to address forced marriage of the girl child has been strengthened through strategies aimed at enhancing the education and health of the girl child. In particular, measures to enhance the education of the girl child have also resulted in the prevention of forced marriage. Policy measures in the field of migration, encompassing those aimed at combating trafficking in persons, and violence against women, have also provided opportunities for addressing the issue of forced marriage.

44. As fostering equality for the girl child was necessary to ensure that women had equal rights later in life, States paid special attention to breaking down persistent gender stereotypes and advancing opportunities and services for girls. Colombia, Costa Rica, the Czech Republic, Ireland, Mauritania, Montenegro and the Netherlands systematically promoted gender equality and the elimination of gender stereotypes in schools. Mauritania's law, No. 2001-054 of July 2001, which made

school attendance compulsory for children through age 14, was seen as a means to reduce forced and early marriage. The effects of the law were in line with Mauritania's expectation that the later a woman married, the more likely she was to choose her own partner. Oman and Qatar succeeded in narrowing the gender gaps in education. Mauritania and Qatar noted an increase in the age at first marriage and linked education of the girl child to this achievement. Early marriage has been declining in Oman as a result of greater social awareness of its harmful effects and the increased attention paid to the education of children at all levels.

45. Since forced marriage of the girl child resulted in the termination of her schooling, the Philippines endeavoured to eliminate practices that discriminated against the girl child. Towards that end, the Philippines planned to undertake dialogues with community leaders in settings where forced marriages took place. The inadequate number of schools that serve girls in rural areas presented a challenge in respect of preventing forced marriage in Yemen.

46. Several States launched programmes aimed at ensuring that girls were able to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health. Several States, including Colombia, Costa Rica, Cuba and the Czech Republic, established programmes aimed at improving the sexual and reproductive health of adolescents. Cuba and the Czech Republic integrated sex education into the school curriculum in order to delay sexual activity and prevent unintended pregnancy. Colombia created the legislative basis for ensuring free access to health services for persons under age 18 and developed strategic partnerships, including with the World Health Organization (WHO), the United Nations Population Fund (UNFPA) and the Global Fund to Fight AIDS, Tuberculosis and Malaria, with the aim of decreasing the prevalence of early pregnancy. Costa Rica was developing an integrated plan on sexual and reproductive health.

47. Mauritania's National Strategy for the Promotion of Women (2005-2008) aimed to provide primary education for all girls and to improve the health of women and girls by enhancing access to health services and countering harmful practices. Within the framework of promoting gender equality, Turkey and Brazil established programmes to improve sexual and reproductive health and decrease maternal mortality. Noting the link between early marriage and forced marriage, Turkey has undertaken awareness-raising efforts for youth regarding sexual and reproductive health. As part of this strategy, 20 youth consultancy and health service centres have been established. Turkey's Ministry of Health and the Armed Forces Health Commandership, together with UNFPA, launched a programme in 2002 that resulted in the education of 2 million soldiers on gender equality and domestic violence, and on the problems that may result from early marriage, as well as on sexual and reproductive health, family planning and safe motherhood.

48. Laws and policies that target migrant populations have also resulted in the prevention of forced marriage in a number of States. Within the context of its national Integration Plan, Germany placed emphasis on greater prevention of, and improved protection against, forced marriage. The Government's efforts to educate youth with a migrant background on the issues of gender equality and sexual and reproductive health also addressed the question of forced marriage. Norway's 2006 Action Plan for Integration and Social Inclusion of the Immigrant Population also aimed at combating forced marriage. To that end, minority advisers have been

placed in secondary schools with a high proportion of students with a minority background. Integration attachés assisted relevant Norwegian embassies, and resources were provided to non-governmental organizations working to prevent forced marriages. Courts also played a role in addressing forced marriage: Sweden's Migration Court in 2006 granted refugee status to a 15-year-old girl who had left her country of origin to avoid a forced marriage.

49. In response to reported cases of trafficking in women for purposes of forced marriage, some States intensified their efforts aimed at addressing trafficking in women and girls and at including a focus on preventing and addressing forced marriage, including provision of services to victims. This was the case in the Czech Republic, where there had been two cases of trafficking for purposes of forced marriage. Canada's services for victims of trafficking, such as temporary residence permits and health care, may be available to victims of forced marriage.

50. States' efforts at preventing and addressing violence against women in all its forms have also resulted in greater awareness of the problem of forced marriage of the girl child. Ireland had committed to working to end the practice of forced marriage, even though forced marriage was not currently identified as a problem. Such efforts formed part of the work of that country's Office for the Prevention of Domestic Violence, in the Department of Justice, Equality and Law Reform, which dealt with all aspects of violence against women. Poland's national machinery for the advancement of women initiated activities to combat violence against girls, including workshops for police, media campaigns and conferences. Sweden launched a five-year programme in 2003 that aimed to combat violence and oppression in the name of honour. Most of the resources devoted to this programme had been allocated to County Administrative Boards in order to implement preventive measures, such as training for those who came into contact with young people at risk, and to implement the undertaking of educational campaigns. The strategy of Yemen to combat violence against women also encompassed the prevention of forced marriage.

4. Resources

51. Implementation of efforts to prevent forced marriage of the girl child and to provide services to victims benefited from different types of resources. A tenfold increase in funding geared towards gender equality would primarily be used for implementation of Sweden's action plan to combat violence against women. Several States including Canada, Ireland and Sweden supported initiatives through their development cooperation programmes to combat violence against women and harmful practices, such as forced marriage, and promoted women's empowerment in general. On the other hand, Yemen had insufficient resources to implement interventions to address cases of forced marriage.

C. Protection and support measures for victims of forced marriage

52. Protection and support measures are necessary for girls and young women who are, or may be at risk of becoming, victims of forced marriage. Germany's National Integration Plan of 2007 responded to the need for support services for female migrants that would enable them to escape violent relationships and assert their right to choose their partners freely. Germany's second Action Plan to Combat

Violence against Women was expected to include services for victims of forced marriage. Several States, including the Netherlands, the Philippines and Poland, provided services for victims of violence, such as emergency shelters and counselling services, that were also available to victims of forced marriage. The reintegration into society of women victims of violence, including victims of forced marriage or those at risk of becoming victims, was among the responsibilities of the 36 shelters in Turkey. They also provided psychological and social services, and programmes to secure employment for victims. While currently only one shelter existed for victims of violence, including victims of forced marriage, Yemen planned to open more shelters in the capital city. No centres currently existed in the country for filing complaints of forced marriage or for seeking protection.

D. Efforts to monitor progress in addressing forced marriage

53. Quantitative surveys on forced marriage are lacking,[31] and research on the question of forced marriage also remains limited. Such information would result in greater knowledge, and increased capacity of policymakers and other stakeholders to take effective action. While most States noted a lack of data on forced marriage of the girl child, a few States have undertaken to collect data about forced marriage. Germany was committed to improving empirical knowledge about the extent of forced marriage. Poland and Montenegro had registered cases of forced marriages arranged by families among the Roma community. While no statistics on forced marriage had been kept, the Philippines was aware of cases of kidnapping of indigenous girls for forced marriage in the country's Sulu region.

54. Several States, including Belgium, Canada, Croatia, the Philippines and Yemen, completed studies or held workshops to foster a better understanding of the scope, causes and forms of forced marriage. Belgium published a study on forced marriage and held a workshop in January 2005 that was attended by over 100 participants, including teachers, researchers and civil servants, in order to forge a coordinated response to forced marriage. Canada's Inter-Departmental Working Group on Trafficking in Persons was studying ways to address and prevent forced marriages, including any link between forced marriage and trafficking or forced labour. Croatia noted a link between early marriage of girls and criminal acts of forced labour, trafficking and slavery. The Philippines held a consultation workshop in January 2007 on the girl child with government agencies and non-governmental organizations which included discussion on forced marriage of the girl child and on possible interventions to eliminate the practice within the larger context of protecting and promoting the rights of girls. Yemen had completed a number of studies that illustrated the dangers of early marriage and its link to forced marriage.

III. Measures taken by entities of the United Nations system

55. As at 1 October 2007, nine entities of the United Nations system[32] had responded to a request for information on the implementation of Commission on the Status of Women resolution 51/3.

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[31] See A/61/122/Add.1 and Corr.1, para 122.

[32] Economic and Social Commission for Asia and the Pacific (ESCAP), Economic and Social

56. A number of United Nations entities focused on the promotion and protection of the rights of girls. Through their mandated work, specifically in the areas of health, education and poverty reduction, they contributed directly or indirectly to the prevention of forced marriage of the girl child. Such efforts also contributed to the achievement of the Millennium Development Goals.

57. For example, the efforts of the United Nations Children's Fund (UNICEF), the World Bank and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the field of education contributed to the delaying of marriage by girls and young women, thereby enhancing their capacity to claim their rights, and to poverty reduction. The United Nations Population Fund (UNFPA) and UNICEF worked to ensure provision of a range of social services, including literacy and life skills-based education and reproductive health education, as part of their efforts to reach marginalized adolescent girls, especially those at risk for early marriage. The Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO) had taken steps that increased access to the highest attainable standard of health for women and girls. WHO activities on reproductive health and its efforts to mainstream gender perspectives in health programmes included endeavours to address the health implications of forced and early marriage. A focus on preventing child marriage, including enforcement of laws against child marriage, was a necessary policy action in the efforts of UNAIDS to reduce HIV infection among girls and young women. The protection of persons falling within the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) required that Office to identify and subsequently reduce the risks that exposed refugees to sexual and gender-based violence, including early and forced marriage.

58. In response to Commission on the Status of Women resolution 51/3, United Nations entities undertook a number of targeted efforts to address forced marriage of the girl child. For example, the Centre for Women of the Economic and Social Commission for Western Asia (ESCWA) held workshops and released publications that aim to facilitate the adoption of laws requiring a minimum age for marriage and the consent of both spouses. The work of UNFPA with parliamentarians was instrumental in effecting the enactment of laws against child marriage and in increasing the minimum age of marriage in a number of countries, including Bangladesh, where UNFPA together with the United Nations Development Fund for Women (UNIFEM) produced recommendations for strengthening the Child Marriage Restraint Act. UNICEF advocated for the adoption and subsequently supported the implementation of a 2007 law in Madagascar that raised the age of marriage to 18 years from 14 for girls and from 17 for boys. UNICEF also supported the adoption of a 2006 law in India that banned child marriage and provided for the intervention of the courts to prevent child marriages. WHO was developing a tool to assist countries in reviewing and amending laws and policies to ensure that they were in line with human rights standards on issues such as the minimum legal age of marriage, the free and full consent to marriage and birth registration.

Commission for Western Asia (ESCWA), United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA), Office of the United Nations High Commissioner for Refugees (UNHCR), Joint United Nations Programme on HIV/AIDS (UNAIDS), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO) and World Bank.

59. Support provided by UNICEF, UNHCR and WHO resulted in greater registration of births and marriages. Based on its policy of encouraging the official registration of all births in refugee situations, UNHCR facilitated birth registration in several countries; in 2006, the office issued birth certificates to 36 per cent of newborn children in refugee camps and to 68 per cent in urban situations. Over half of UNICEF country offices engaged in activities in support of birth registration, including research on birth registration, training of registrars, legislative reform to ensure that registration was free and concluded immediately following a birth, adoption of national plans to target excluded populations, and awareness-raising at the grass-roots, local and national levels. WHO worked closely with Ministries of Health to improve the collection of a range of vital statistics, including the registration of births.

60. United Nations entities also contributed to the prevention of forced marriage. Through its focus on the economic empowerment of women, the World Bank set out to change the conditions that tended to be conducive to forced marriage, such as women's poverty and lack of bargaining power. Prevention of girl-child marriages was a central focus of rural poverty reduction projects in the South Asia region, based on women's self-help groups. The advocacy work of Self Help Groups, constituting the dominant form of microfinance in India, centred on the prevention of child marriages and trafficking. Together with the local government and police, these groups launched campaigns at the time of festivals where mass marriages took place. One of those campaigns in 2006 stopped nearly 3,000 marriages. One Self Help Group in Bihar, India, planned to implement policies targeting forced marriage.

61. As part of its awareness-raising and community educational programmes, UNHCR supported or implemented sensitization workshops on abuse directed against children, including peer workshops. Some of these resulted in greater capacity of girls and boys to prevent sexual and gender-based violence, including early/forced marriage, and led to the creation of youth centres. The efforts of UNHCR also resulted in greater security for girls during travel to and from school as well as the collection of firewood and water, and reduced the risk of girls being raped and/or abducted for forced marriage. UNHCR offices also intervened in individual cases where girls at risk of forced marriage sought protection.

62. WHO and ESCWA provided training and capacity-building opportunities for a range of stakeholders, including legislators and providers of services to victims of violence. ESCWA planned to address forced marriage as part of its work on violence against women, including capacity-building efforts to expand availability of shelters, counselling and other services needed for the rehabilitation and reintegration of victims of violence against women, including forced marriage.

63. As part of their efforts to improve programming for girls, several United Nations entities conducted research and collected data on the forms and contexts of marriage of the girl child. UNFPA supported diagnostic research in Rajasthan, India, the State with the highest rate of child marriage, designed to identify opportunities and strategies for delaying marriage of girls and supporting girls who were already married. In order to harmonize and improve existing reporting and monitoring mechanisms, UNHCR has been working to develop a sexual and gender-based violence data analysis and sharing tool for local programming which would enable countries to monitor forced marriages of the girl child. The UNICEF publication

entitled *Early Marriage: A Harmful Traditional Practice: A Statistical Exploration*[33] included an analysis of the effects and life-cycle characteristics of child marriage. In 2007, the World Bank published a policy research paper entitled "*Watta satta*: bride exchange and women's welfare in rural Pakistan"[34] which examined in detail the marriage custom of *watta satta*, a practice of bride exchange between families, and its implications. An expert group meeting convened by the Economic and Social Commission for Asia and the Pacific (ESCAP) in follow-up to the Secretary-General's study on violence against women, in April 2007, highlighted forced and early marriage of the girl child as constituting undocumented forms of violence against women in the region and recommended that priority action be taken on that issue.

IV. Conclusions and recommendations

64. **Member States, United Nations entities and other stakeholders are addressing the question of forced marriage within the context of the elimination of all forms of violence against women and girls, with a focus on prevention and provision of services and support to victims and to those at risk of becoming victims.**

65. **In compliance with international human rights instruments, in many States marriage may be entered into only with the free and full consent of the intending spouses. Many States also have in place a minimum age of marriage, whereas many also provide for exceptions to such laws. Procedures pertaining to birth and marriage registration, and to the conclusion of marriage, support enforcement of such laws. While some States have specific provisions in their criminal codes, in other States, cases of forced marriage can be prosecuted through other provisions.**

66. **Legislation is complemented by prevention measures, including advocacy and awareness-raising efforts, as well as capacity-building for health and social service providers, and other government officials. Prevention also forms part of policies and strategies in the area of education, health, prevention of trafficking, and migration, as well as of initiatives to eliminate all forms of violence against women. Support services for girls and young women who are, or have the potential to become, victims of forced marriage include shelters and psychological and social services.**

67. **Challenges in addressing the persistence of forced marriage include limited compliance with legislation, insufficient resources for adequate monitoring and enforcement of laws and procedures, and lack of knowledge about the scope and prevalence of this phenomenon.**

68. **States may wish to ensure that legislation is in place that sets the minimum age of marriage for girls and boys at 18 years, and requires that marriage be entered into only with the free and full consent of the intending spouses. Consideration should be given to enacting a specific provision in the penal code**

[33] New York, UNICEF, April 2005.

[34] Hanan G. Jacoby and Ghazala Mansuri, "*Watta satta*: bride exchange and women's welfare in rural Pakistan", World Bank Policy Research Working Paper, No. 4126 (Washington, D.C., World Bank, February 2007).

on forced marriage, with adequate penalties. States may further wish to ensure consistent implementation of such legislation, including through adequate monitoring, and put in place comprehensive and compulsory systems of registration of births and marriages.

69. **It is recommended that States put in place comprehensive strategies aimed at changing discriminatory social and cultural patterns of conduct and creating an enabling and supportive environment for girls and young women within which they may exercise their human rights. It is also recommended that States ensure that there is awareness among the general public at all levels of society, and especially among girls and young women, of their rights in regard to marriage, and ensure that they have the capacity to claim these rights. It is further recommended that States strongly discourage marriage below the legal age, and emphasize the negative effects of harmful practices, including forced marriage; and increase quality educational and livelihood opportunities for girls and young women.**

70. **States may wish to strengthen training and capacity-building measures for government officials, including law enforcement agents, judges, marriage and birth registrars and social workers, as well as community leaders and other professionals likely to come into contact with victims of forced marriage, so as to sensitize them to the issue and specifically to that of the minimum age of marriage. They may wish to put in place effective measures of protection and support for victims of forced marriage, including access to safe shelters, counselling, comprehensive information and education, legal aid, and rehabilitation and reintegration into society of victims of such marriages. They may further wish to provide effective access to justice for victims of forced marriage.**

71. **Greater attention should be given to ensuring reintegration, after armed conflicts, of the girl child, in particular girls who have been subjected to forced marriage and sexual exploitation in this context.**

72. **Attention should also be given to enhancing the knowledge base on forced marriage, including its scope, prevalence and causes and consequences, as well as promising practices for preventing such marriages. Of particular importance is the need to study and address the links between the persistence of forced marriage and sustainable development, including the achievement of the Millennium Development Goals.**

73. **States that have not yet done so should be encouraged to ratify international instruments that protect the rights of women and girls, particularly the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Special procedures reporting to the Human Rights Council, including the Special Rapporteurs on violence against women, its causes and consequences, and on the human rights aspects of the victims of trafficking in persons, especially women and children, as well as all human rights treaty bodies, should be encouraged to pay particular attention to the issue of forced marriage of the girl child.**